S.B. CR.MISC.BAIL APPL.NO.7537/2007.

Hariya
Vs.
State

Date of order : 6/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Anil Upman for the petitioner.
Shri Ashvini Sharma PP for the State.

******

Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that the allegation against the petitioner is similar to the one which has been made against co-accused Surendra Singh, Laxman, Autari @ Ramavtar, Bhuri Singh, Rajendra and Dhundhi who have already been enlarged on bail by the co-ordinate Benches of this Court vide orders dated 26/10/2005, 14/12/2005 and 19/1/2006 in SB Cr.Misc.Bail Appl.Nos.5647/05, 6481/05 and 232/06, respectively. Petitioner Hariya has also been enlarged on bail in FIR No.55/2005 by this Court vide order dated 2/11/2007 in SB Cr.Misc.Bail Appl.No.7538/2007. No injury has been suffered by any one and offence under Section 307 IPC which is the only non-bailable offence has been added only with a view to making the offence non-bailable. He is in jail for quite some time.

Learned Public Prosecutor has opposed the bail application and has argued that in view of seriousness of allegations against the petitioner, he is not entitled to be enlarged on bail.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Hariya S/o Sovran Singh shall be released on bail in F.I.R. No.35/2005 P.S. Sarmuthara, District Dholpur for offences under Sections 147, 148, 149, 307/149, 353/149 IPC and Section 11 of the Rajasthan Dacoity Affected Area Act subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

anil